

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BEVERLY McNAMAR (SCHMIDT),

Case No. 09-CV-3540 (PJS/JJK)

Plaintiff,

v.

ORDER

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Beverly McNamar (Schmidt), pro se.

Lonnie F. Bryan, UNITED STATES ATTORNEY'S OFFICE, for defendant.

This matter is before the Court on the objection of plaintiff Beverly McNamar (Schmidt) to the December 15, 2010 Report and Recommendation ("R&R") of Magistrate Judge Jeffrey J. Keyes. Judge Keyes recommends converting defendant's motion to dismiss into a motion for summary judgment, granting defendant's summary-judgment motion, and dismissing McNamar's complaint with prejudice. The Court has reviewed de novo those portions of the R&R to which McNamar has objected, as required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). The Court **OVERRULES** McNamar's objection [Docket No. 31] and **ADOPTS** Judge Keyes's R&R [Docket No. 29].

IT IS HEREBY ORDERED that:

1. Defendant's Motion to Dismiss [Docket No. 22], as converted into a motion for summary judgment by the Court, is **GRANTED**; and

2. This case is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 3, 2011

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge